

REVIEW OF THE STATE OF THE BRITISH NATION.

Saturday, March 19. 1709.

If any Man thinks, that I do not know the Disadvantage of writing against popular Vouge, and how hard it is to be thought impartial, when what is laid opposite to general Clamour, that Men is himself.

— Who is master of the Town is against any
Man's Will, like a Winter's Flood, it carries
away all Sense, Reason, Argument, and
every Thing that opposes it; all runs with
it into the Ocean of general Clamour, and
he is a mad Man that will, as a noble Orator
once told us, put in his Thumb to stop the
Current. — 15-63

But, to carry on the Utility autho' when
this Flood carries away Trees, Houses,
Bridges, Castles, People, &c. no Man will
be so foolish to go into it, and place his

mak'd Strength to chuse it; that Men will generally stand at a Distance, and blessing themselves that they are out of the Danger, cry; Good Lord, what a Flood is there, how it ruins the Country, what a Deal of Damage it will do! — And if they see a poor Traveller, or a hardy venturousome Gentleman driven down the Stream — They'll cry out again, Alas poor Man he will be lost, he is gone, all the World can't save him!

I Took Notice of a Case in the last Paper, in which the general Blood of popular Clamour had swell'd so high in a Case of a Bankrupt, as to overflow, break down, and carry with it, all the Fences, Buildings, and Buttresses, that Law, voluntary Agreement, solemn Treaty, Paction, Hand and Seal; and every sacred thing could prepare to oppose it.

I know nothing of Persons, I desie all Mankind to say, I ever saw, spoke with, or knew, or corresponded with any of the People concern'd, in my Life—I have no Conversation either with Debtor or Creditor, or any Body for them; I neither speak by the Direction or at the Request of one side or other; I storn the Rewards or Threatning of either, I neither know them or will know them; it is the Case not the People I am upon, and let them be pleas'd or displeas'd, I shall speak my Mind very freely.

Pitkin breaks; his Share in a monstrous Fraud I need not look back into—
He flies abroad, the Creditors recover and bring him back; he charges *Bretewood* as Author and Contriver of all the Mischief he had done; whether to excuse himself or not, is none of the Business.

The Creditors fall upon both; *Bretewood* at last, by the Mediation of a third Party, comes to Terms with them, 8*s.* 6*d.* in the Pound is propos'd on one side, and accepted on the other; Writings and Agreements on both sides are drawn, executed, the Conditions perform'd, the 8*s.* 6*d.* paid, and the Persons paying it, and all concern'd discharg'd; all claim in Law or Equity, quitted and releas'd—I think, I do not err in a Tittle as to Generals; the Act of Parliament is my Rule, which acknowledges it, besides the Affair is too publick for any Body to be ignorant—I hope, I state it impartially.

After all this is done, upon some Suggestions that more might have been made of this Bargain, and that those who mediated the Agreement were paid too well for it, and the like—The Creditors move in Parliament, and by the Help of the Flood I speak of, get an Act to make void this Agreement—And keeping what they had, to have the Man and all his Effects subjected to their further Satisfaction; and not that only, but the Money paid to the Person employ'd as an Attorney to make the Agree-

ment, or for Expence, or for Trouble, or for whatever Occasion paid back to the Creditors—The Act is pass'd, and what is done upon it, every Body knows. The Lawyer has, I suppose, refund'd, the Debtor is in Newgate, under the severest Sentence that ever was pass'd in this Nation for a Debtor. And those I leave the History.

But in order to examine this, as it relates to Bankrupts in general, for that is my Business, and 'tis for that only I have told the Story—If Laws, *Ex post Facto*, may thus be made, and Agreements, in the solemnest Manner executed be revok'd by Parliament, and the Debtor left to Mercy, after he is strug of all to comply with that Agreement; if this may be done in *England*, and your late Bankrupts Bill should run out, and not be continued—What Debtor will ever make any Composition with his Creditors again? What poor Wretch in Distress will ever venture to trust a Creditors Discharges? —No, no, Gentlemen, the Men may be all the Devils you have call'd them, and you may use them now you have Power, in more Mischief have Power the their Fellow-Creatures, than to say barbarously: I have nothing to do with that; but if you reduce this Method into Practice, I do affirm, no Bankrupt ought to treat with a Creditor more, but by an Act of Parliament to empower them to compound, and to lecture the Agreement, as in the Case of Debts to the Crown.

If Creditors agree with a Debtor, and taking the utmost perhaps he can give, discharge him; let Act of Parliament be obtain'd how they will, I say, if the Discharge be made void, the Payment which was the Condition of that Discharge ought to be return'd, and the Person plac'd where you left him; otherwise Creditors set up for Kidnappers and Cheats, and the Consequence will be, no Debtor will trust them for ever after; and whether that be the Interest of Creditors, or no, let *Hume* discover.

It is true it may be argued, that the Debtor is a Criminal; the Goods are the Creditors, and it is not lawful for the Debtor

Driver is the first Place to detain them, and in entering the Country, they only kept their own Goods.

“Sirly, Gentlemen, will you see a Parallel? A Traytor takes Arms against his Sovereign, and pollutes a Fort or Castle, and all the Country is rais'd to fall upon him, and besiege him—but he makes a desperate Defense, and as ill to avoid Expence of Blood and Treasure, the General offers him to capitulate.

He articl'd for Remission of Life, for his Liberty and Estate, and for all that are with him, and for carrying away such and such Goods, Riches, Wealth, &c. perhaps for

which he has plunder'd the Country; but the Terms are天文 and he surrenders.

Now shall the King come and make void the Capitulation, take the Castle in Possession, and hang the Man for a Rebel, or take all the Goods again that were agreed to be left? No, so, Gentlemen, let him be who he will that did so, if it were King Solomon, he would be a Tyrant, a Thief, a Robber; and all his Power could not defend him from the Title of a perfidious Truce-breaker; for from the Time he condescend'd to treat, from that Time he gave the Rebel a Title to whatever by that Treaty should be granted him.

MISCELLANEA.

AND now, Gentlemen, for the Article of Peace, upon the Suppositions mention'd in a former Paper. I confess, I am of Opinion with our News-Men, that a Peace is actually treat'd, but I take it that That the Confederates may see a Peace nearer in View, that in order to be in a Posture to enter upon it, as suddenly as may be needful, they may think fit to concert and determine among themselves, the Pretensions and Demands of every particular Branch of the Confederacy;—that they may be ready to give a Peace, and not take it.

And pray take it with you as you go; I am not enquiring upon every little Difficul'ty of Boundaries and Dependencies, that may take up Time in a Treaty, but I am laying down the Capital Branches of a Treaty, the Fundamentals, which all Preliminaries are to be laid down for a Ground-work to treat upon, and till a Concession of which is made, the Allies can enter upon no Treaty.

And I'll put this two or three ways. I

1. What I should be forward to. I

2. What, rather than not treat, I could

with a Treaty begun upon.

3. What, rather than break up the Treaty and begin the War again, I could with for a Peace upon.

1. What I could wish were obtain'd— And in saying this, I am to be suppos'd to think, it is not unreasonable to demand; for that may be very reasonable to demand, that may not be so reasonable to be obtain'd— And therefore I would demand,

1. That France should restore the whole Spanish Monarchy, not only entire, as it was at the Death of King Charles II. of Spain, with all the Fortifications of Towns and Ports, in the Condition they are now, but also,

2. That France should restore all such Countries and Possessions belonging to the Crown of Spain, with all their Dependencies which have been taken since the Treaty of the Pyrenees, vi. Burgundy and Flanders-Cambray, with what-ever has been taken in a warre of Religion, and all the Acquisitions of France in the Netherlands, commonly call'd, Les Foye Comtes.

3. That France shall acknowledge the Title of King Charles III. as Catholick King, and enter into an Alliance with him, Defensive and Offensive, against all the Adversaries or Auxiliaries of King Philip.

4. That the King of France shall acknowledge Queen Anne, and shall enter into a League with her Majesty and the Elector of Hanover, for the De.